

REMARKS

In response to the Office Action dated October 25, 2007, Applicants respectfully request reconsideration based on the above amendments and the following remarks.

Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim 11 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 11 has been amended to address the item raised by the Examiner. Claim 11 was objected to as allowable and has been placed in independent form and is believed allowable.

Claims 1-10 and 12-20 were rejected under 35 U.S.C. § 103 as being unpatentable over Ngo in view of Balakrishnan. This rejection is traversed for the following reasons.

Ngo teaches a general VLAN architecture but provides no disclosure on evaluating VLAN capacity with respect to a target access port. The Examiner relies on Balakrishnan as allegedly teaching “receiving a target access port, said target access port including a target class of service and a target bandwidth requirement from a requestor; determining a target trunk and target switch corresponding to said target access port, wherein said target trunk corresponds to one of said VLAN trunks and said target switch corresponds to one of said VLAN switches; calculating a bandwidth contribution of said target access port to said VLAN, said calculating responsive to said VLAN trunks, said VLAN switches, said VLAN access ports, and said target access port; and transmitting said bandwidth contribution to said requestor.” Applicants respectfully disagree that Balakrishnan teaches these features.

Balakrishnan is directed to a method of determining the best route to use for routing packets. Balakrishnan uses an algorithm to determine how to route packets based on a number of network factors detailed in paragraph [0080]. Balakrishnan performs no analysis related to a “target access port.” Balakrishnan does not teach, suggest, or describe “calculating a bandwidth contribution of said target access port to said VLAN.” Balakrishnan is concerned with congestion on an existing network, not how a target access port affects bandwidth on a VLAN. Thus, even if Ngo and Balakrishnan are combined, the features of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Ngo in view of Balakrishnan. Claims 2-10 variously depend from claim 1 and are patentable over Ngo in view of Balakrishnan for at least the reasons advanced with reference to claim 1.

Claims 12, 16 and 20 recite features similar to those discussed above with reference to claim 1 and are patentable over Ngo in view of Balakrishnan for at least the reasons advanced with reference to claim 1. Claims 13-15 and claims 17-19 depend from claims 12 and 16, respectively, and are considered patentable for at least the same reasons.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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